



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0379	Title:	Apply risk designation to registered but undesignated sex offenders
Primary Sponsor:	MacLaren, Gary	Status:	As Introduced

- | | | |
|-----------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$1,184,300	\$800,000	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$1,184,300)</u>	<u>(\$800,000)</u>	<u>\$0</u>	<u>\$0</u>

Description of Fiscal Impact:

With this bill the Department of Corrections will be required to designate certain sex offenders with a tier level designation. There is appropriated in this bill \$2 million to the Department of Corrections to comply with requirements of the bill.

FISCAL ANALYSIS

Assumptions:

Department of Corrections (DoC)

- Currently, there are 1,098 sex offenders on the Department of Justice sex offender registry that need tier level designations under this bill.
- The department will need to contract for sex offender tier level evaluations for all the 1,098 offenders at the cost of \$350 each for a total cost of \$384,300. These evaluations would be completed in the first year, FY 2008.
- In order to complete the hearings, the department will need to contract for 1 project manager, at a cost of \$50/hour for 2,000 hours each fiscal year or \$100,000, 2 agency petitioners (attorney level), at a cost of \$50/hour for 3,000 hours each fiscal year or \$300,000, 2 legal advisors (attorney level), at a cost of

\$50/hour for 1,000 hours each fiscal year or \$100,000, and 2 hearings examiners, cost of \$75/hour for 2,000 hours each fiscal year or \$300,000. This is a total cost of \$800,000 in contracted services dollars for both FY 2008 and FY 2009.

4. The total cost of the project is \$1,184,300 in FY 2008 and \$800,000 in FY 2009 for a total cost of \$1,984,300. This bill appropriates \$2,000,000 to the Department of Corrections. The difference is \$15,700.
5. This would be a two year project period with a completion goal that designation would be completed by the end of FY 2009. This would take care of the back log of offenders in the community who were sentenced before October 1, 1997 as judges did not have the obligation to impose a tier level designation. According to 46-23-509, MCA, in order to keep up with all future tier level designations, judges need to designate a tier level at sentencing.

Judicial Branch – Office of the Supreme Court

6. Per new section 1, offenders may appeal the Department of Correction's decision to District Court. District Court workload may temporarily increase but the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
Department of Corrections				
<u>Expenditures:</u>				
Operating Expenses	\$1,184,300	\$800,000	\$0	\$0
<u>Funding of Expenditures:</u>				
General Fund (01)	\$1,184,300	\$800,000	\$0	\$0
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$1,184,300)	(\$800,000)	\$0	\$0

Sponsor's Initials

Date

Budget Director's Initials

Date